



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Pat H.

JAN 30 2001

Cliff Firstenberg, Project Manager
Chemical Land Holdings, Inc.
Two Tower Center Boulevard, 16th Floor
East Brunswick, NJ 08816

Re: Schedule for Further Activities
Diamond Alkali Superfund Site – Passaic River Study Area

RECEIVED
JAN 30 2001

Dear Mr. Firstenberg:

This letter responds to issues raised by Chemical Land Holdings, Inc. (CLH) in several letters that you have sent to the United States Environmental Protection Agency (EPA) recently relating to tasks performed by CLH under the Administrative Order on Consent Index No. II-CERCLA-0117. To EPA, the overarching issue regarding all of these tasks is scheduling and time frames for completion. This letter proposes a schedule for completing certain tasks and for deferring action on other tasks, which are more complicated, at the current time. This would allow CLH and EPA to work toward completing those scheduled tasks more quickly because of the narrowed focus of attention.

Combined Sewer Overflow (CSO) Sampling

While technical disagreements exist among the interested parties, the CSO sampling can proceed in the near future. EPA anticipates that our technical teams will be able to reach a consensus on the exact sampling and analysis methodology utilized for our program with the Harbor Estuary Program (HEP) Contaminant Assessment and Reduction Program (CARP). If CSO sampling data from HEP and from our Superfund project can be interchanged and utilized in both projects, both of our programs would benefit from an enhanced data set and add to the scientific validity of the numerical models of the estuary system.

As you are aware, we have been attempting to schedule this meeting for several months now with all of the interested parties, and it has proven to be difficult. The meeting is finally scheduled for February 6, 2001 at 10 a.m. It is my intention to resolve outstanding issues regarding the sampling and analytical methodologies proposed by your organization at this meeting. I appreciate your recent submission (December 22, 2000) of a revised CSO work plan based on the CSO trial run. We can make any necessary revisions quickly by simply adding amendments to that draft document, based on the results of our February 6 meeting. I would therefore expect that CSO sampling could begin by March 2001, pending weather conditions.

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To clarify, the CSO sampling effort includes the field sampling, laboratory analysis, and validation. Submission of the results includes submission of the raw, unvalidated data, data validation reports, validated data, and summary tables, in paper copy and electronic format. I would expect that all sampling tasks could be completed by June 2001 and validated data could be submitted by September 2001. This, however, is dependent upon a wet weather event occurring within the four months to accommodate the bulk sampling methodology.

Creel/Angler Survey

EPA has reviewed the information provided by CLH and its consultants in the presentation on the creel/angler survey in October and the material sent by CLH subsequent to that meeting. While the most recently revised creel/angler survey work plan still does not meet all of EPA's concerns, EPA acknowledges that the recent revisions have been improvements to the work plan and recognizes that the survey is almost half way complete. EPA and the New Jersey Department of Environmental Protection (NJDEP) have reviewed the revised work plan and CLH will receive our comments within the next few weeks. CLH will be able to incorporate revisions into its data gathering for the remainder of the survey. Consequently, if these changes are incorporated, EPA will consider a creel/angler survey report submitted by October 2001 as part of any risk assessment drafted for the Passaic River. However, because of the limitations that EPA has previously identified in the work plan, please note that EPA will not rely solely on that report in formulating conclusions to be included in the risk assessment. EPA will determine how much weight to give the survey in light of all the facts and circumstances evident at the time of the risk assessment.

In order to arrange for EPA oversight of remaining activities, please provide us with a list of remaining tasks and schedules for implementation. Arrangements must be made with your team to ensure that EPA has timely notification prior to implementation of additional field data collection activities.

Outstanding Remedial Investigation and Feasibility Study (RI/FS) Tasks

No updated schedule exists for completion of the RI/FS, including the performance of the risk assessment and the sediment transport model. The following paragraphs provide some commentary on the outstanding tasks, along with some direction. At this time, we will not provide a definitive schedule. This is due in part to outstanding technical disagreements between EPA and CLH. Further, EPA is evaluating the remaining RI/FS tasks in respect to potentially complementary work the United States Army Corps of Engineers (USACE) is performing under the Water Resources Development Act (WRDA) in the Hudson-Raritan Estuary, including the lower Passaic River.

Sediment Transport Model

CLH's October 31, 2000 letter to EPA describes an enigma in the results of CLH's most recent test run, which was conducted on software provided by the USACE Waterways Experiment Station (WES) and performed on hardware at CLH's consultant's office.

This test run was completed after WES provided CLH's consultant with modifications agreed to between EPA and CLH, based on the previous test runs, model verification, and calibration. Based on CLH's October 31, 2000 letter, it appears that CLH has concluded that the model code requires additional adaptations for use on the consultant's hardware. CLH has stated its opinion, in its October 31, 2000 letter, that the enigma in model results renders the model "useless." Since resolution may take some time based on our previous experience, EPA will not set a schedule for CLH to complete modeling at this time. Consequently, CLH should cease work on the modeling until further notice by EPA.

Risk Assessment

We have received your December 14, 2000 risk assessment conceptual site model. Much of the information in this report has been culled from either selected published literature by CLH consultants or remedial investigation data not yet submitted by CLH for EPA and NJDEP review. Other information is culled from CLH's interpretation of sediment data (the data sets have been submitted to EPA but summaries and CLH's interpretations have not yet been submitted). It is therefore difficult to fully comment on this conceptual site model, other than to report that it provides us with a "working draft" that can be amended as we proceed with data analysis and interpretation. CLH has also raised issues about a lack of surface water data impacting its ability to complete one pathway analysis. EPA is considering this position. At this time, EPA recommends that CLH suspend its work on the risk assessment, until further notice from EPA.

Treatability Studies

In a telephone discussion, Sharon Jaffess, of my staff, recommended that CLH compile the "universe" of treatment alternatives. She also provided CLH with web site addresses for various treatment technology databases.

As you know, EPA has been in discussions with various sediment decontamination (SED-DECON) technology vendors that were selected for a WRDA interagency program for the New York - New Jersey harbor. Due to the fact that these SED-DECON vendors were selected by an unbiased bidding process to meet the necessary criteria for treatment of New York - New Jersey harbor sediment contamination, which is similar in constituents, though not as highly concentrated in certain contaminants as the sediment in our study area, we can consider that the WRDA program provides us with a good screening of sediment treatment technologies. Over the course of the last few months, CLH has taken an active role in meeting with these vendors and setting up potential demonstrations.

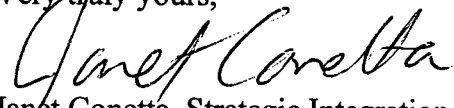
While we appreciate CLH's initiative in this respect, we note that the Agency has not requested that CLH perform any treatability studies at this time. The RI/FS Statement of Work, Feasibility Study, Task 4, requires only that CLH shall conduct any necessary laboratory and bench scale treatability studies when they are necessary to evaluate the effectiveness of remedial technologies and establish engineering criteria, except where

CLH demonstrates to EPA's satisfaction that they are not needed. As reported in CLH's December 2000 monthly progress report (report no. 81), part E (future plans and actions), a future action is the evaluation for the need for treatability testing. EPA is considering the demonstrations already being performed via the SED-DECON program and has not yet determined to what extent further studies by CLH would be needed. Therefore, CLH should cease its treatability activities until EPA provides notice that further studies are necessary.

Conclusion

At this time, EPA directs CLH to complete work on the CSO sampling and the creel/angler survey and to terminate several other activities relating to the RI/FS, including the sediment transport modeling, the risk assessment, and the treatability study work. Further, it would be most efficient for CLH to concentrate on completion of the mudflat location and ecological data maps (as described in CLH's letter dated December 21, 2000) and submission of the revised ecological data table summaries (as described in your electronic mail message of January 22, 2001). EPA is in the process of evaluating the best way to proceed regarding the other tasks and will contact CLH with further direction upon completion of the evaluation.

Very truly yours,


Janet Conetta, Strategic Integration Manager
Emergency & Remedial Response Division

cc: Jon Berg, NJDEP